

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
No. 7:22-CV-112-D-RJ

DUSTIN GERRY,)
Plaintiff,)
v.) ORDER GRANTING ATTORNEY'S
MARTIN O'MALLEY,) FEES PURSUANT TO
Commissioner of Social Security,) 42 U.S.C § 406(b)
Defendant.)

)

On March 9, 2023, an Order and a Judgment were entered and remanding this case to the Commissioner for further proceedings under sentence four of 42 U.S.C. § 405(g). On November 3, 2023, Administrative Law Judge John A. Thawley issued a Fully Favorable Decision granting Plaintiff his Social Security Disability benefits. On August 18, 2024, the Defendant issued a Notice of Award to Plaintiff regarding his Social Security Disability benefits.

Pending before this Court is attorney Jonathan P. Miller's (Plaintiff's Counsel) Motion for Attorney's Fees Pursuant to 42 U.S.C. § 406(b). Plaintiff's Counsel requests an award of attorney fees in the amount of \$21,018.75. Plaintiff's Counsel has also acknowledged that the attorney's fees in the amount of \$8,800.00 awarded under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412 should be returned to Plaintiff.

Plaintiff's Counsel's Motion is hereby GRANTED. Defendant is Ordered to pay \$21,018.75 to Plaintiff's Counsel, Jonathan P. Miller, pursuant to 42 U.S.C. § 406(b) for work performed in Federal District Court. Plaintiff's Counsel shall refund the \$8,800.00 in EAJA fees to Plaintiff.

SO ORDERED. This 4 day of September, 2024.

J. C. Dever
JAMES C. DEVER III
United States District Judge